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8 Attorney for Plaintiff

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 ROBERT A. SLOVAK, an individual,  
12 Plaintiff,

13 v.

14 GOLF COURSE VILLAS HOMEOWNERS'  
15 ASSOCIATION; GOLF COURSE VILLAS  
16 LIMITED PARTNERSHIP; WELLS FARGO  
17 BANK, N.A., and DOES 1-10, Inclusive,  
18 Defendants.

Case No.: 3:13-cv-569-RJC-VPC

**MOTION FOR EXTENSION OF TIME TO  
FILE RESPONSE TO MOTION FOR  
ATTORNEY FEES AND COSTS; RESPONSE  
TO COURT'S QUERY IN ORDER DENYING  
REQUEST**

**SECOND REQUEST**

Local Rules 6-1, 6-2, and 7-1

19  
20 Plaintiff, Robert A. Slovak ("Plaintiff"), pursuant to Local Rules 6-1, 6-2, and 7-1, moves for  
21 an order extending time 31 days to respond to Defendant's motion for attorneys' fees and costs.  
22 Plaintiff's response is due Tuesday, December 10, 2019. This motion will permit Plaintiff's response  
23 to be due on Friday, January 10, 2020. This is the second motion for extension of time to file his  
24 response given the first stipulation was denied without prejudice to allow for an explanation of Mr.  
25 Scott Johannessen's availability. Moreover, counsel for defendant, Wells Fargo Bank, N.A.  
26 ("Defendant") has advised it does not oppose Plaintiff's request but cannot sign a second stipulation  
27  
28

1 because most of the representations in it are about Mr. Pankopf's and Mr. Johannessen's personal  
2 circumstances, about which Defendant's counsel has no direct knowledge

3 At this time counsel is in the process of having shoulder replacement surgery and will be  
4 recuperating over the holidays. He has been unable to focus on an appropriate response to the motion  
5 given his health issue. Counsel will be able to provide his client's response within the time frame  
6 requested.

7 **Plaintiff's Counsel's Response to Court's Query in Order**

8 Mr. Pankopf is lead counsel in this case and Mr. Johannessen defers to Mr. Pankopf, as local  
9 counsel, on matters of purely local import under the local rules, like seeking a common continuance  
10 request agreed to by all parties. Had Mr. Johannessen believed it would be necessary for him to join  
11 in Mr. Pankopf's continuance request, graciously stipulated to by opposing counsel and the resulting  
12 effect of which prejudices no one, or motion response filing he would have done so. Perhaps as or  
13 more importantly, the client directed Mr. Pankopf to respond to matters concerning any post-hearing  
14 motion in this case, and Mr. Johannessen, in his capacity as an attorney, is ethically obligated to  
15 follow the client's instructions and representation limitations pursuant to Rule of Professional  
16 Conduct 1.2.

17 As a practical matter, Mr. Johannessen did not know of Mr. Pankopf's medical issues or  
18 limitations until December 9, 2019, when Mr. Pankopf shared this private medical information with  
19 him. Not having heard from Mr. Pankopf since September 2019 and neither defendant Wells Fargo  
20 Bank nor the Court taking any action in this case since June 2019 — following remittitur from the  
21 Ninth Circuit Court of Appeal — there was no reason to expect to be engaged in responding to any  
22 motion filed during the Thanksgiving holiday or the year end Christmas holidays, which Mr.  
23 Johannessen perennially (over 30 years now) spends with his spouse and children. Mr. Johannessen  
24 will be on a preplanned family vacation from December 16, 2019 through January 6, 2020, with the  
25 exception of a deposition (Nashville, December 16) and a court hearing (Los Angeles, December 17).

26 What is more, since medical challenges are rarely planned and most all of us one time or  
27 another have debilitating medical conditions preventing us from doing what we planned to do, Mr.

1 Johannessen had no reason to believe, until December 9, 2019, that Mr. Pankopf was not in a position  
2 to attend to this case as he always has with due diligence and measured attention.

3 Again, under the circumstances, Defendant's counsel was kind enough to agree to a  
4 reasonable continuance request that harms no one and respects opposing counsel; a measure of  
5 professional courtesy and civility the Court surely must expect from the attorneys who practice before  
6 it.

7 As such, the Plaintiff respectfully request a one-month (31-days) extension to Friday, January  
8 10, 2020.

9  
10 DATED this 12<sup>th</sup> day of December 2019

11  
12 By: s/Tory M. Pankopf  
13 Tory M. Pankopf  
14 748 S. Meadows Pkwy Ste 244  
15 Reno, NV 89521  
16 *Attorneys for Plaintiff Robert A. Slovak*

17 **IT IS SO ORDERED.**

18  
19 DATED this 17<sup>th</sup> day of December 2019.

*No further continuance  
will be granted.*

20  
21   
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
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28